

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

LA.App..No. 884 of 2014 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 3/2013 of SUB COURT,
MUVATTUPUZHA DATED 26-08-2014

APPELLANT(S)/RESPONDENTS:

1. THE STATE OF KERALA

2. THE EXECUTIVE ENGINEER
P.W.D. ROADS DIVISION, MUVATTUPUZHA.

BY ADV. GOVERNMENT PLEADER SRI R.PADMARAJ

RESPONDENT/CLAIMANT:

SUNIL.A.
S/O.AYYAN PILLAI, SUNI BHAVAN, RAMANGALAM KARA
MARADY VILLAGE (POWER OF ATTORNEY HOLDER).

R1 BY ADV. SRI.V.M.KURIAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

T.R.RAMACHANDRAN NAIR & P.V ASHA, JJ.

L.A.A No.884 of 2014

Dated this the 3rd day of February, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R No.3/13 of Sub Court, Muvattupuzha. The bare facts show the following:- The reference was under Section 28A of the Land Acquisition Act. The extent involved is 0.13 Ares in Survey No.379/14-12 of Part 1 of Marady Village in Muvattupuzha Taluk. The acquisition was for the purpose of improvement of Ernakulam-Thekkady (NAS) road and the Section 4(1) notification is dated 15.03.2008. The Land Acquisition Officer has included the property in Category C, namely dry land having PWD road frontage and the land value was fixed @ Rs.3,85,006/- per Are. This was enhanced to Rs.13,88,342/- per Are by the reference court.

2. Heard both sides. The reference court relied upon Ext.A1 judgment in L.A.R No.18 of 2010. The ground taken in the appeal is that in appeal against the judgment in L.A.R 18 of

2010 as L.A.A No.346 of 2012, the land value has been refixed by this Court (by a Bench consisting of us) @ Rs.11,10,673.60 (rounded up to Rs.11,10,675/-) per Are .

3. Therein also, we find that the Land Acquisition Officer had fixed the land value @ Rs.3,85,006/- per Are.

4. We find from para.3 of the judgment of the reference court that the acquired property is having access to the Muvattupuzha-Arakuzha road. The reference court was of the view that the land acquired in L.A.R No.18 of 2010 and the acquired land in this case are similarly situated.

5. In the judgment in L.A.A No.346 of 2012 we had considered the whole aspects in detail. Therein, the reference court had relied upon Ext.A1 document which is a transaction of property just opposite to the K.S.R.T.C bus stand, Muvattupuzha on the side of M.C road. We have considered in detail the point whether the property on the side of the M.C road can be said to be similar and is having the same potential value with respect to the property on the side of Muvattupuzha-Arakkuzha road. Ultimately it was held that the property involved, namely in Ext.A1 document relied upon in L.A.R No.18 of 2010 being just opposite to the K.S.R.T.C bus stand, is more important and we

held that by granting a reasonable deduction, the said document can be accepted. Accordingly by reducing 20% from the land value fixed in L.A.R No.18/2010, we have refixed the land value at Rs.11,10,673.60 (rounded off to Rs.11,10,675/-) per Are. Herein the facts are similar. Properties are very near and hence the same method can be adopted.

Therefore the appeal is allowed to that extent and we refix the land value herein also at the same rate as in L.A.A No.346 of 2012, ie. at Rs.11,10,675/- per Are. No costs.

Sd/-
T.R.RAMACHANDRAN NAIR
Judge

Sd/-
P.VASHA
Judge

rtr/

/true copy/

P.S to Judge